

The background of the image is the Arizona state flag, which features a large five-pointed star in the center. The star is yellow and is set against a blue field. The upper portion of the flag is composed of alternating red and yellow diagonal stripes. The text "STATE OF ARIZONA" is written in white, bold, sans-serif capital letters, arched over the top of the star. Below it, the text "v." is written in the same style, centered under the star.

**STATE OF ARIZONA**  
**v.**

**JEREMIA MCCABE**

WHO: Jeremia McCabe

WHAT: Burglary of a Vehicle

WHEN: August 10, 2016

WHERE: 9350 N 67<sup>th</sup> Avenue

# Timeline

10:55pm

Victim catches  
Defendant red-  
handed

Defendant flees  
and hides at  
condo

Victim calls 911

11:16pm

Officers sees  
Defendant  
driving

Confirms license  
plate

Officers respond  
to Defendant's  
home

11:32pm

Officers set up a  
perimeter

Find  
Defendant's  
Abandoned  
Truck

Defendant tries  
to flee back over  
his back wall

# Timeline

11:32pm

Defendant  
refuses to obey  
commands

Defendant goes  
back inside  
house

Defendant  
refuses to come  
out

11:39pm

Defendant's  
mom coaxes  
him out

Defendant tries  
to go back into  
the house

Defendant  
arrested

12:03am

Victim positively  
identifies  
Jeremia McCabe

# Burglary Defined

- Defendant
- with intent to commit a theft OR felony therein
- did enter or remain unlawfully in or on
- a non-residential structure
- of Lorenzo Joseph Rubio

# Undisputed

- ~~Defendant~~
- with intent to commit a theft OR felony therein
- did enter or remain unlawfully in or on
- ~~non-residential structure~~
- ~~of Lorenzo Joseph Rubio~~

# This Case

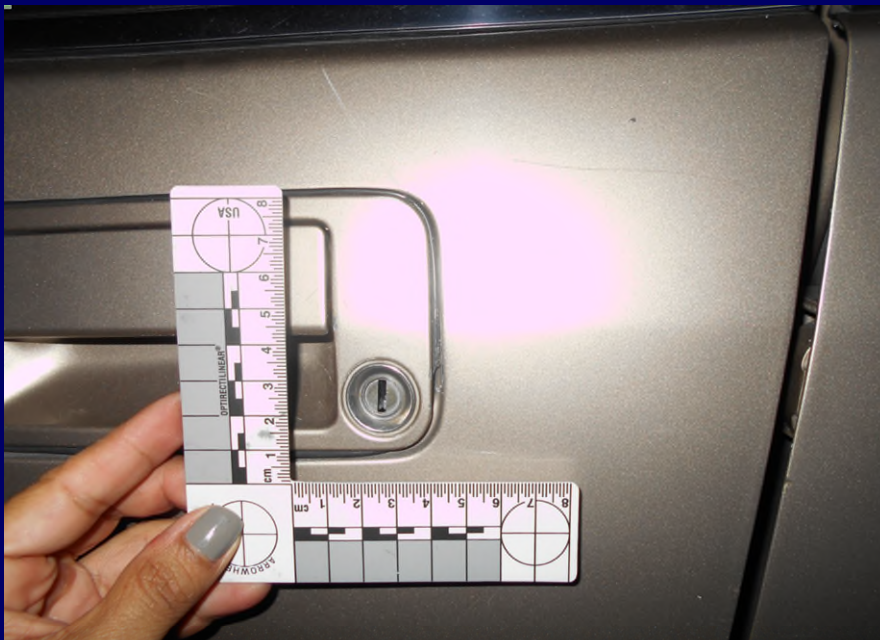
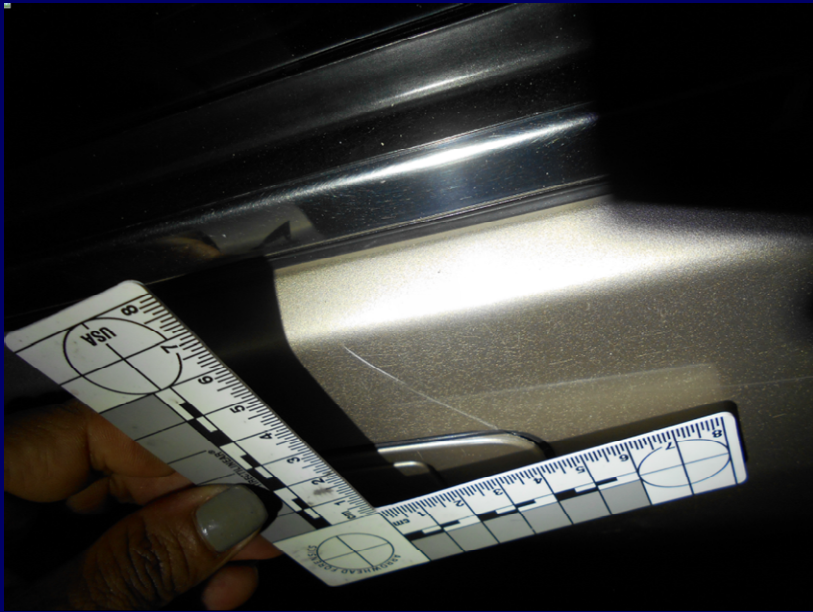
- with intent to commit a theft OR felony therein
- did enter or remain unlawfully in or on

# Direct vs. Circumstantial Evidence

Direct evidence is the testimony of a witness who saw, heard, or otherwise sensed an event.

Circumstantial evidence is the proof of a fact or facts from which you may find another fact.

**The law makes no distinction between direct and circumstantial evidence.**



# Intent Inference

Intent may be inferred from all the facts and circumstances disclosed by the evidence. It need not be established exclusively by direct sensory proof. The existence of intent is one of the questions of fact for your determination.

# BEYOND A REASONABLE DOUBT

- It is not beyond all doubt
- It is not beyond every doubt
- It is not beyond imaginary doubt
- It is not beyond a shadow of a doubt

If you are firmly convinced that the defendant is guilty then you must find him guilty!

# FIRMLY CONVINCED

- There are very few things in this world that we know with absolute certainty, and in criminal cases the law does not require proof that overcomes every doubt.
- If, based on your consideration of the evidence, you are firmly convinced that the defendant is guilty of the crime charged, you must find him guilty.

# **Reason #1 to be Firmly Convinced → Defendant admits he was there**

- The defendant admitted to police that he was at the Artisan Apartments that night
- Defendant Admitted to having an encounter with Lorenzo Rubio

## **Reason #2 to be Firmly Convinced → Victim Description and Identification**

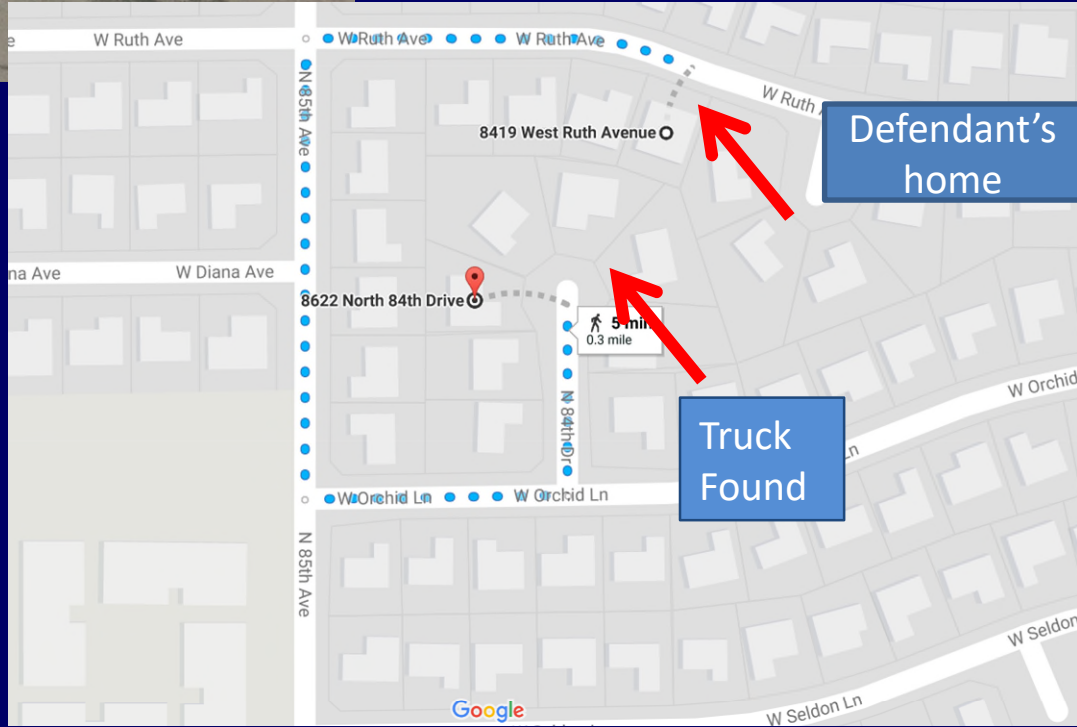
- Lorenzo described in great detail to 911
- Lorenzo gave license plate number
- Lorenzo identified the defendant short time later

## Reason #3 to be Firmly Convinced → Defendant fled and hid

In determining whether the State has proved the defendant guilty beyond a reasonable doubt, you may consider any evidence of the defendant's running away, hiding, or concealing evidence, together with all the other evidence in the case. You may also consider the defendant's reasons for running away, hiding, or concealing evidence.



Defendant flees & ditches his truck







# CREDIBILITY OF WITNESSES

- You may accept everything a witness says, or part of it, or none of it.
- Whether the witness was contradicted by other evidence and the reasonableness of the witness's testimony when considered in the light of the other evidence.
- Consider all of the evidence in the light of reason, common sense, and experience.

# OATH & DUTY

**FIND THE DEFENDANT**

**GUILTY**